UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:22-cv-12-RJC-DSC

JAMES L. BEYAN, JR.,)	
Plaintiff,)))	
vs.	į (ODDED
CHARLOTTE MECKLENBURG)	ORDER
POLICE DEPARTMENT,)	
Defendant.)	
)	

THIS MATTER is before the Court *sua sponte*.

The *pro se* Plaintiff purported to file this case as a class action lawsuit pursuant to the Court's federal question and diversity jurisdiction. On January 31, 2022, the Court granted the Plaintiff's Application to proceed *in forma pauperis* and dismissed the Complaint on initial review as frivolous and for failure to state a claim upon which relief can be granted. (Doc. No. 4). The Court granted the Plaintiff 14 days within which to amend his Complaint to correct the deficiencies identified by the Court. (<u>Id.</u>). The Plaintiff was cautioned that the failure to timely comply with the Order would result in this case's dismissal without further notice. (<u>Id.</u>).

The Plaintiff failed to timely comply with the Court's January 31 Order and the time to do so has expired. Therefore, this action will be dismissed without prejudice. Fed. R. Civ. P. 41(b) ("If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it."); Link v. Wabash R.R. Co., 370 U.S. 626, 631-33 (1962) (although Rule 41(b) does not expressly provide for *sua sponte* dismissal, a district court has the inherent power to dismiss a case for lack of prosecution or violation of a court order).

IT IS, THEREFORE, ORDERED that:

- 1. This action is **DISMISSED** without prejudice for Plaintiff's failure to comply with the Court's January 31, 2022 Order.
- 2. The Clerk of this Court is directed to close this case.

Signed: March 7, 2022

Robert J. Conrad, Jr.

United States District Judge